

Title 7—Agriculture

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

PART 301—DOMESTIC QUARANTINE NOTICES

[FRUIT AND VEGETABLE QUARANTINE OF PUERTO RICO]

INTRODUCTORY NOTE

The considerable fund of knowledge accumulated from insect studies and inspection records during the last decade in Puerto Rico and elsewhere now permits a still further liberalization of the regulations governing the movement of fruits and vegetables from the Island under the subpart entitled "Hawaiian and Puerto Rican Fruits and Vegetables," of Part 301, Chapter III, Title 7, Code of Federal Regulations [B. E. P. Q.-Q. 58, as amended]. It is believed that the protection afforded by this quarantine will not be lessened by these modifications, the principal effect of which is to remove a considerable list of products from the certification and marking requirements. Exemption from these requirements will be continued unless infestation conditions should make it necessary to restore this procedure for specific products or individual lots or shipments.

In addition, fumigation for pod beans and pigeonpeas will now be required; peppers and green corn will still require certification; and certification will likewise be required for citrus fruits when destined to ports other than those on the Atlantic seaboard north of and including Baltimore. Among other modifications it is to be noted that okra will not now be included in the admissible list. This is on account of evidence recently obtained indicating that infestations of pink bollworm have occurred in commercial shipments of okra. Fresh banana leaves free from stalk and midrib will now be allowed to move without certification; yam, mangosteen, papaya, and apio (celery root), which have been brought up for consideration since the first amendment of these regulations was issued on December 13, 1932, will now be included among the products exempt from certification; and, in the interest of clarity, a few minor changes in product names are made herein.

Finally, provision has been made to authorize inclusion of other requested additional products for shipment when it can be established that, under suitable treatment, or as packed and shipped, their movement can be safely permitted.

DETERMINATION OF THE SECRETARY OF AGRICULTURE

The Secretary of Agriculture, having determined that it was necessary to quarantine Puerto Rico, in order to prevent the spread therefrom of certain injurious insects, including the West Indian fruitfly (*Anastrepha fraterculus* Wied.) and the bean and pod borer (*Maruca testulalis* Geyer), not theretofore widely prevalent or distributed within and throughout the United States, and having given the public hearing required by law, promulgated Notice of Quarantine 301.58, Part 301, Chapter III, Title 7, Code of Federal Regulations, and rules and regulations supplemental thereto governing the movement of fruits and vegetables from Puerto Rico, §§ 301.58-1 to 12, inclusive, Part 301, Chapter III, Title 7, Code of Federal Regulations [B. E. P. Q.-Q. 58, effective July 1, 1925, as amended].

I have now determined that the West Indian fruitfly, designated in the aforesaid Notice of Quarantine and rules and regulations as *Anastrepha fraterculus* (Wied.), includes several distinct species, recognized as *A. suspensa*

(Loew) and *A. mombinpraeoptans* Sein, and probably still other fruitfly species. For this reason and for the reason that it appears that the provisions of the rules and regulations supplemental to the said Notice of Quarantine may safely be liberalized, I have further determined that the said Notice of Quarantine and rules and regulations should be revised.

ORDER OF THE SECRETARY OF AGRICULTURE

Pursuant to the authority conferred upon the Secretary of Agriculture by Section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), the subpart, entitled "Hawaiian and Puerto Rican Fruits and Vegetables", of Part 301, Chapter III, Title 7, Code of Federal Regulations [B. E. P. Q.-Q. 58, as amended], is hereby revised, effective January 22, 1941, to read as follows:

SUBPART—PUERTO RICAN FRUITS AND VEGETABLES

QUARANTINE

§ 301.58 *Notice of Quarantine*.—Under the authority conferred upon the Secretary of Agriculture by Section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), Puerto Rico is quarantined effective on and after January 22, 1941, in order to prevent the spread therefrom of certain injurious insects, including the fruitflies *Anastrepha suspensa* (Loew), and *A. mombinpraeoptans* Sein, and probably still other fruitfly species, and the bean pod borer *Maruca testulalis* (Geyer), not heretofore widely prevalent or distributed within and throughout the United States. As provided in the said Plant Quarantine Act, fruits and vegetables shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, transported, moved, or allowed to be moved from Puerto Rico into or through any other State or Territory or District of the United States, in manner or method or under conditions other than those prescribed in the rules and regulations supplemental hereto and in amendments thereof: *Provided*, That whenever the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such findings in administrative instructions, specifying the manner in which the applicable regulations should be made less stringent, whereupon such modification shall become effective.

This section leaves in full effect § 301.30 [B. E. P. Q.—Q. 30, revised effective October 10, 1934], which prohibits the movement from Hawaii and Puerto Rico into or through any other State, Territory, or District of the United States of all varieties of sweetpotatoes (*Ipomoea batatas*).

RULES AND REGULATIONS

§ 301.58-1 *Definitions*.—(a) *Fresh fruits and vegetables*. The edible, more or less succulent, portions of food plants in the raw or unprocessed state, such as bananas, oranges, grapefruit, pineapples, tomatoes, peppers, lettuce, etc.

(b) *Plant litter*. Leaves, twigs, or other portions of plants, or plant remains or rubbish as distinguished from clean fruits and vegetables, or other commercial articles.

(c) *Inspector*. An inspector of the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture.

§ 301.58-2 *Fruits and vegetables the movement of which is prohibited*.—Movement from Puerto Rico into or through any other State, Territory, or District of the United States of fruits of mango (*Mangifera* spp.), jobo (*Spondias* spp.), guava (*Psidium guajava*), and pomarrosa or rose apple (*Eugenia jambos*), and all other fruits and vegetables for which movement is not authorized in § 301.58-3 hereof, is prohibited: *Provided*, That any fruit or vegetable the movement of which is thus prohibited may be removed from a prohibited status and included in the list for which movement is authorized in § 301.58-3, by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine when evidence satisfactory to him is obtained that the movement of the product in question, either subject to a specified treatment, or as packed and shipped, will not result in the dissemination of injurious insects.

§ 301.58-3 *Fruits and vegetables the movement of which is authorized.*¹—(a) Subject to the conditions and limitations noted herein, and to such treatment as is herein or may hereafter be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine, the following fruits and vegetables may be moved or allowed to be moved from Puerto Rico into or through any other State, Territory, or District of the United States when such fruits or vegetables are free from plant litter, are marked in compliance with § 301.58-6, and have been inspected by an inspector and certified by him to be free from injurious insect infestation, including the West Indian fruitfly and the bean pod borer, or to have been given the prescribed treatment:

String beans, lima beans, faba beans, and pigeonpeas, in the pod, will be certified for movement only when they have been treated as prescribed by the Chief of the Bureau of Entomology and Plant Quarantine and under the supervision of an inspector.

Citrus fruits (orange, grapefruit, lemon, citron, and lime).

Corn (sweet corn on cob).

Peppers.

(b) The following fruits and vegetables are subject to inspection, either in the field or when presented for shipment, as the inspector may require, but unless found by him to be infested shall be free to move without certification, marking, treatment, or other requirements of these regulations, except that they must be free from plant litter and soil: *Provided*, That if the inspector shall find any field, grove, lot, shipment, or container of such fruits and vegetables infested with injurious insects, he shall notify the owner or person in charge, in writing, of the existence of the infestation and the extent thereof, and thereafter movement of the fruit or vegetable so specified shall be prohibited while the infestation persists, unless in the judgment of the inspector movement may be safely allowed subject to certification after having been given an approved treatment, or after sorting, conditioning, or other effective safeguard measures:

Algarroba pods (*Hymenaea courbaril*).
Allium spp. (onion, chive, garlic, leek, scallion, shallot).
 Anise (*Pimpinella anisum*).
 Apio, celery root (*Arracacia xanthorrhiza*).
 A rowroot (*Maranta arundinacea*).
 Artichoke, Jerusalem (*Helianthus tuberosus*).
 Asparagus.
 Avocado.
 Balsamapple, balsam-pear (*Momordica balsamina*; *M. charantia*).
 Banana and plantain (fruit).
 Banana leaves (fresh, without stalks or midrib).
 Beans (fresh shelled lima and faba beans).
 Beet, including Swiss chard.
Brassica oleracea (cabbage, cauliflower, Brussels sprouts, broccoli, collard, kale, kohlrabi, Savoy).
 Breadfruit, jackfruit (*Artocarpus* spp.).
 Cacao bean (*Theobroma cacao*).
 Carrot.
 Celery.
 Chayote (*Sechium edule*).
 Chicory, endive (*Cichorium intybus*).
 Citrus fruit (citron, grapefruit, lemon, lime, and orange) destined for ports on the Atlantic seaboard north of and including Baltimore.
 Cucumbers, including Angola cucumber (*Sicania odorata*).
 Culantro, coriander (*Eryngium foetidum*; *Coriandrum sativum*).
 Dasheen, malanga, taro (*Colocasia* and *Caladium* spp.).
 Eggplant.
 Fennel.
 Ginger root (*Zingiber officinale*).
 Kudzu (*Pueraria thunbergiana*).
 Leren, sweet corn root (*Calathea allouia*).
 Lettuce.
 Mangosteen (*Garcinia mangostana*).
 Mustard greens.
 Palm hearts.
 Papaya, lechosa (*Carica papaya*).
 Parsley.
 Parsnip.
 Peas (in pod) (*Pisum sativum*).
 Pigeonpea (fresh shelled).
 Pineapple.
 Potato.
 Quenepa (*Melicocca bijuga*).

¹ The following are not interpreted as fresh fruits and vegetables within the meaning of § 301.55 [B. E. P. Q.—Q. 58, revised]: Coconuts, breadnuts, dried peas and beans, dried seeds, dried or cured medicinal plants and herbs, annatto seeds (achiote), gourd (higüero), cannon-ball fruit (*Couroupita guianensis*), and cut flowers.

Radish.
 Rhubarb.
 Rutabaga.
 Spinach.
 Squash, pumpkin, watermelon, vegetable marrow, cantaloup, calabaza.
 Strawberry.
 Tamarind beanpod (*Tamarindus indica*).
 Tomato.
 Turnip.
 Watercress.
 Waterlily root, lotus root (*Nelumbium nelumbo*).
 Yam, ñame (*Dioscorca* spp.).
 Yautia, tanier (*Xanthosoma* spp.).
 Yuca, cassava (*Manihot esculenta*).

§ 301.58-4 *Application for inspection*.—Persons intending to move any of the fruits or vegetables for which certification is required under § 301.58-3 from Puerto Rico into or through any other State, Territory, or District of the United States shall make application for inspection thereof as far as possible in advance of the probable date of shipment. The application shall show the quantity of the fruits or vegetables which it is proposed to move, their identifying marks and numbers, their exact location, and the contemplated date of shipment. Forms on which to make application for inspection will be furnished, upon request, by the United States Department of Agriculture, Bureau of Entomology and Plant Quarantine.

§ 301.58-5 *Certification of shipments*.—Fruits and vegetables for which certification is required under § 301.58-3 shall not be moved from Puerto Rico into or through any other State, Territory, or District of the United States, by ship, vessel, aircraft, or otherwise, unless each shipment is accompanied by a certificate issued by an inspector showing that such fruits or vegetables have been inspected and pronounced free from injurious insect infestation, including the West Indian fruitfly and the bean pod borer, or that the required treatment has been given. Copies of inspection certificates shall accompany the manifests, memoranda, or bills of lading pertaining to such shipments.

No charge will be made for the inspector's service in inspection and certification, but all costs for labor, cartage, storage, packing and unpacking, and other expenses incidental to inspection shall be borne by the shipper. Applicants for inspection shall place the fruits or vegetables to be inspected so that they can be readily examined; if not so placed, inspection will be refused.

§ 301.58-6 *Marking of containers*.—No fruits or vegetables for which certification is required under § 301.58-3 shall be moved from Puerto Rico into or through any other State, Territory, or District of the United States unless the crate, box, bale, or other container thereof is so marked with the marks and numbers given on the application that it may be identified at the port of first arrival.

§ 301.58-7 *Fruits and vegetables as ships' stores or in the possession of passengers and crew*.—The movement of fruits and vegetables is permitted from Puerto Rico as ships' stores or in the possession of passengers and crew on ships, vessels, or aircraft plying between Puerto Rico and any other State, Territory, or District of the United States: *Provided*, That all such products, on arrival in the United States must be submitted for inspection and disposition as provided in §§ 301.58-8 and 301.58-11 hereof, and (1) they must be free from infestation with injurious insects; (2) those fruits and vegetables not listed in § 301.58-3 shall not be landed; (3) prohibited fruits and vegetables retained aboard shall be subject to the safeguards provided in § 352.8 [regulation 6 of the Plant Safeguard Regulations].

§ 301.58-8 *Inspection of vessels*.—Inspectors are authorized to enter upon ships, vessels, and aircraft from Puerto Rico at any time after they come within the territory or territorial waters of any other State, Territory, or District of the United States, whether in the stream or at the dock, wharf, mole, or landing field for the purpose of ascertaining by inspection whether any of the fruits and vegetables covered by this quarantine are contained in such ships, vessels, or aircraft as cargo or ships' stores, or whether there remains any infestation from such fruits or vegetables.

§ 301.58-9 *Disinfection of vessels*.—Disinfection under the direction of and in the manner prescribed by the inspector of any ship, vessel, or aircraft plying between Puerto Rico and any other State, Territory, or District of the United States upon arrival at the dock, wharf, mole, or landing field may be required if the ship, vessel, or aircraft is found to contain or to be contaminated with any of the fruits or vegetables infested with injurious insects. Such disinfection

tion shall be performed by the person having charge or possession of the ship, vessel, or aircraft and at a place satisfactory to the inspector. When such ship, vessel, or aircraft has been disinfected in a manner satisfactory to such inspector, he shall immediately issue and deliver to the person having charge or possession thereof a certificate to that effect.

§ 301.58-10 *Inspection of cargo*.—Inspectors are authorized to ascertain by inspection of the cargo of any ship, vessel, or aircraft plying between Puerto Rico and any other State, Territory, or District of the United States at the port of first arrival, that each lot or shipment moving under certification agrees in nature and amount with the certificate, and that all shipments of fruits and vegetables for which a certificate is required are duly certified; to determine, in the case of fruits and vegetables the movement of which is not authorized, if infestation is present; and to require for such unauthorized shipments safeguards, treatment, return, or destruction, as may be necessary to prevent the dissemination of injurious insects.

§ 301.58-11 *Inspection of baggage*.—Inspectors are authorized to ascertain by inspection whether any of the fruits or vegetables covered by this quarantine are contained in the baggage or other personal belongings of passengers and members of the crew on ships, vessels, or aircraft plying between Puerto Rico and any other State, Territory, or District of the United States, to determine whether the same are infested with injurious insects, and in the case of infested or unauthorized products to require such safeguarding, treatment, or destruction as in the judgment of the inspector may be necessary. For the purpose of such inspection an inspector is authorized to open any box, bale, crate, bundle, or other package, including trunks, which may contain or be liable to contain any of the fruits or vegetables covered by this quarantine. Such baggage inspection shall be made at the dock, airport, or landing field at the port of debarkation within any State, Territory, or District of the United States other than Puerto Rico, as the inspector may require, and no such baggage or personal belongings of passengers or crew shall be removed from such dock, airport, or landing field until the same have been inspected and passed by an inspector.

§ 301.58-12 *Baggage declarations*.—Before any ship, vessel, or aircraft from Puerto Rico arrives within the boundaries of any other State, Territory, or District of the United States, the master, captain, or other person having charge or possession of any such ship, vessel, or aircraft shall cause to be distributed to each passenger thereon a baggage declaration² to be furnished by the United States Department of Agriculture, calling attention to the provisions of the Plant Quarantine Act, the foregoing quarantine, and these regulations. These baggage declarations, after being executed and signed by the passengers, shall be collected and delivered to the inspector at the port of debarkation.

§ 301.58-13 *Parcel post inspection*.—Inspectors are authorized to inspect, with the cooperation of the United States Post Office Department, parcel post packages placed in the mails in Puerto Rico, to determine whether such packages contain fruits or vegetables the movement of which is not authorized under this quarantine, to examine fruits and vegetables so found for insect infestation, and to notify the postmaster in writing of any violation of the said quarantine in connection therewith.

§ 301.58-14 *Movement by the Department of Agriculture*.—The foregoing quarantine and regulations shall not apply to movement of fruits and vegetables from Puerto Rico by the United States Department of Agriculture for experimental or scientific purposes.

Done at Washington, D. C., this 22nd day of January 1941.


Witness my hand and the seal of the Department of Agriculture.



CLAUDE R. WICKARD,
Secretary of Agriculture.

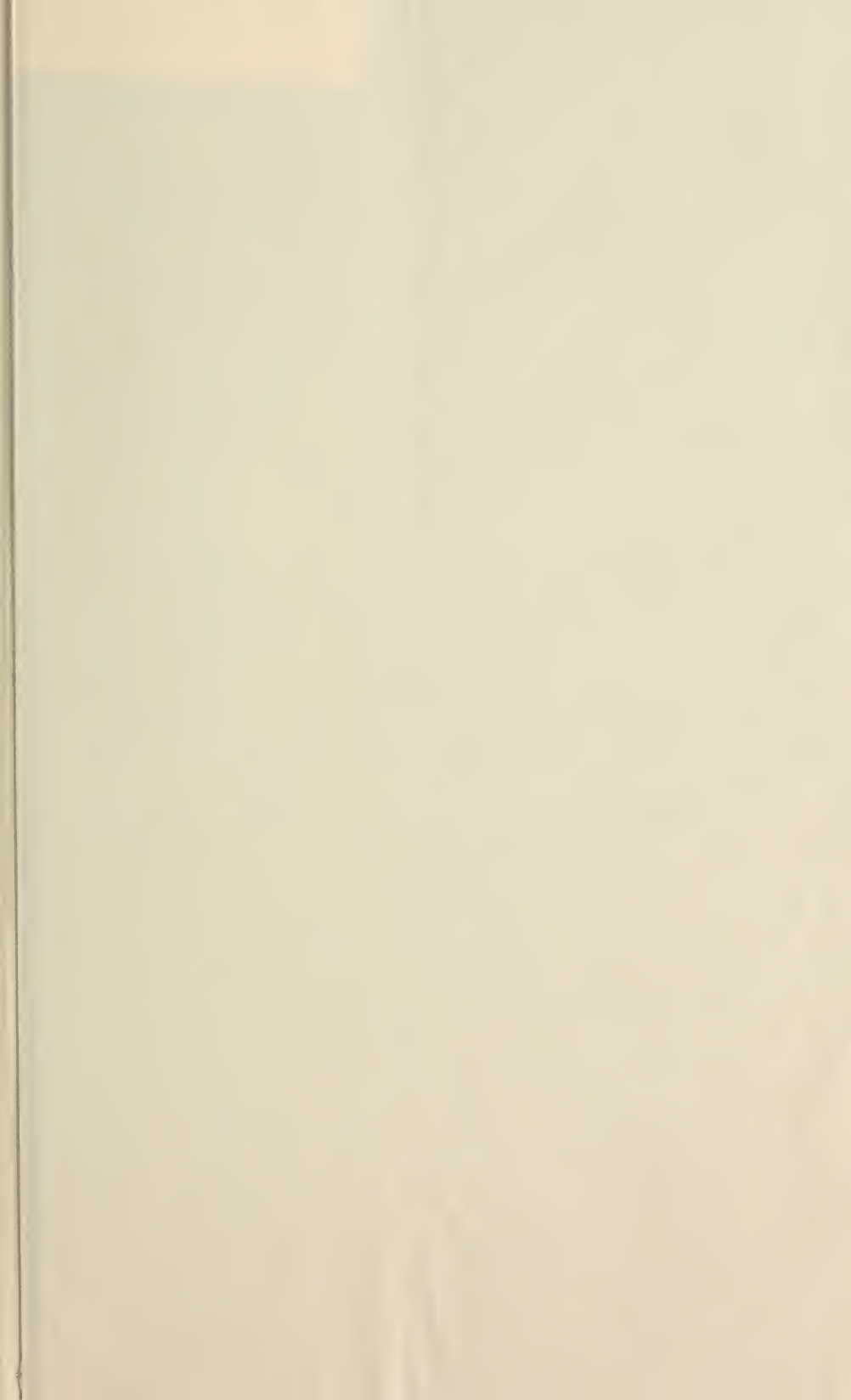
The foregoing quarantine and regulations supersede the quarantine and regulations embodied in B. E. P. Q.-Q. 58 (effective July 1, 1925) and the amendment thereof effective January 1, 1933, and are adopted effective January 22, 1941.

² Form EQ-911.

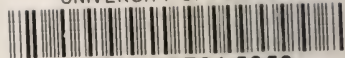


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